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Total Number of Pages in This Submission

4

Application Number

09/545,639

Filing Date

04/07/2000

RECEIVED

First Named Inventor

Cunningham

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Art Unit

2143

FEB 27 2006

Examiner Name

Vaughn

Attorney Docket Number

U000-P02036US

ENCLOSURES (Check all that apply)

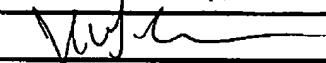
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

SoCal IP Law Group, LLP

Signature



Printed name

Joel G. Landau

Date

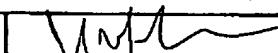
February 27, 2006

Reg. No. 54,732

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Date February 27, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/545,639	Confirmation No.	9723
Applicant	:	Cunningham		
Filed	:	04/07/2000		
TC/A.U.	:	2143		
Examiner	:	Vaughn	RECEIVED	
Docket No.	:	U000-P02036US	CENTRAL FAX CENTER	
Customer No.	:	33356	FEB 27 2006	

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Reply Brief Under 37 C.F.R. § 41.41

Dear Sir:

The following Reply Brief is submitted in response to the Examiner's Answer mailed February 14, 2006.

Claims 1-3, 33-35 and 47-49 are patentable over Guyot et al. (USP 6,119,098), in view of Hassett et al. (USP 6,807,558) and further in view of Landsman et al. (US Pat. Pub. 2003/0023488):

In addition to the Examiner's prior grounds for rejection, on page 13 of the Examiner's Answer, the Examiner asserted that the following claimed limitations of independent claim 1 are also taught at Landsman, page 12 paragraph [0110] and page 16 paragraph [0151]:

"detecting times when the user computer is not actively

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Response to Examiner's Answer action mailed 02/14/2006

sending or receiving data from the network" and

"downloading ad files from the network to the user computer during such times, such that the viewer program maintains a pool of ad files at the user computer for display and performs ad pool management tasks".

Landsman's paragraph [0110] describes a process where an applet monitors for a user request for a web page while advertisements are downloading. In response to the user request, the applet causes an interstitial advertisement, previously fully downloaded and cached, to be displayed while the web page requested by the user is being retrieved. Displaying an interstitial advertisement in response to a user requesting a web page is not analogous to the claimed limitations "detecting times when the user computer is not actively sending or receiving data from the network" and "downloading ad files from the network to the user computer during such times."

Landsman's paragraph [0151] describes a process where an applet monitors for a user request for a web page while advertisements are downloaded. In response to the user request, the applet causes the downloading of advertisements to stop in order for the requested web page to be retrieved. Causing downloading of ads to stop in response to a user requesting a web page is not analogous to the claimed limitations "detecting times when the user computer is not actively sending or receiving data from the network" and "downloading ad files from the network to the user computer during such times."

Because Landsman's paragraphs [0110] and [0151] do not teach or suggest the claimed limitations "detecting times when the user computer is not actively sending or receiving data from the network" and "downloading ad files from the network to the user computer during such times", the Practitioner maintains, as presented in the Appeal Brief filed November 8, 2005, that the Examiner has not established a *prima facie* case of obviousness with regard to claim 1. Since none of Guyot, Hassett or Landsman alone or in combination disclose, teach or suggest all the steps of

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claim 1, claim 1 is non-obvious in view of these references.

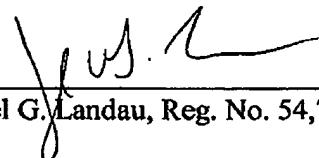
Therefore, it is respectfully requested that the obviousness rejection of claims 1-4, 10, 14, 21 and 23 be overturned.

CONCLUSION AND RELIEF

In view of the foregoing, it is believed that all claims patentably define the subject invention over the prior art of record and are in condition for allowance. The undersigned requests that the Board overturn the rejection of all claims and hold that all of the claims of the above referenced application are allowable.

Respectfully submitted,

Date: February 27, 2006



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